

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rule making related to electricians and electrical contractors and electrical inspections and providing an opportunity for public comment

The Electrical Examining Board hereby proposes to amend Chapter 502, “Electrician and Electrical Contractor Licensing Program—Licensing Requirements, Procedures, and Fees,” Chapter 551, “Electrical Inspection Program—Definitions,” and Chapter 552, “Electrical Inspection Program—Permits and Inspections,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 103.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2017 Iowa Acts, Senate File 357 [Iowa Code sections 103.1A and 103.22(15)].

Purpose and Summary

2017 Iowa Acts, Senate File 357, which modified licensing provisions applicable to electricians and electrical contractors and which also amended certain definitions to exempt farms from electrical inspections except in certain limited circumstances, was enacted by the General Assembly during its regular session last year. Pursuant to Iowa Code section 103.6, the Electrical Examining Board has the authority to promulgate rules to implement the legislation. These amendments also address the objection to the rules filed by Governor Branstad on January 23, 2012.

Fiscal Impact

It is anticipated that there will be no fiscal impact as the result of the adoption of these rules.

Jobs Impact

It is expected that there will be no impact on jobs.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Board does not have authority to waive requirements established by statute. Pursuant to the provisions of rule 661—501.5(103), the Board has the authority to grant waivers from the rules.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on February 6, 2018. Comments should be directed to:

Barb Edmondson
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Email: edmondso@dps.state.ia.us
Phone: 515.725.6188

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

February 6, 2018, from 10 to 11 a.m.
First Floor Public Conference Room 125
Oran Pape State Office Bldg.
215 East 7th Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board at 515.725.6188 and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 502.1(3) as follows:

502.1(3) A person who does not have a current valid license shall not perform work as an electrician or as an unclassified person. A person shall not perform work which requires licensing and which is not specifically authorized under the license issued.

EXCEPTION 1: A person who holds a current valid license issued by a political subdivision may perform work as an electrician or unclassified person within the corporate limits of the political subdivision which issued the license.

EXCEPTION 2: A person may work for up to 100 continuous days as an unclassified person prior to obtaining a license. Any documented time during which a person has worked as an unclassified person prior to January 1, 2008, or any time during which a person has worked as a licensed unclassified person shall be credited to any applicable experience requirement. Any time during which a person works as an unclassified person without a license on or after January 1, 2008, shall not be counted toward any such experience requirement, except that a person may receive credit for time worked as an unclassified person on or after January 1, 2008, without a license if the person has applied for a license.

EXCEPTION 3: Electrical installations in buildings, including residences or facilities which are being constructed as part of a course of instruction by an accredited educational institution, may be performed

by a person who is not licensed. Such installations are subject to the requirements for permits and inspections pursuant to 661—Chapter 552.

EXCEPTION 4: A license is not required for a person who performs any electrical installation on a farm or a farm building if the farm building is not regularly open to the public as a place of business for the retail sale of goods, wares, services, or merchandise and if the person performing the installation is associated with the farm as a holder of a legal or equitable interest, a relative or employee of the holder, or an operator or manager of the farm. This exception does not apply to a residential installation located on a farm.

ITEM 2. Rescind the definition of “Commercial installation” in rule **661—551.2(103)**.

ITEM 3. Adopt the following **new** definition of “Commercial” in rule **661—551.2(103)**:

“*Commercial*” means a use, installation, structure, or premises associated with a place of business where goods, wares, services, or merchandise are stored or offered for sale on a wholesale or retail basis. “Commercial” includes a residence only if the residence is regularly open to the public as a place of business as provided in this definition. “Commercial” does not include any use, installation, structure, or premises associated with a farm or an industrial installation.

ITEM 4. Amend rule 661—552.1(103) as follows:

661—552.1(103) Required permits and inspections.

552.1(1) Permits and inspections are required for any of the following electrical installations that are initiated on or after February 1, 2009:

a. All new electrical installations for commercial or industrial applications, including installations both inside and outside buildings, and for public-use buildings and facilities and any installation at the request of the owner.

b. All new electrical installations for residential applications in excess of single-family residential applications.

c. All new electrical installations for single-family residential applications requiring new electrical service equipment.

d. Any existing electrical installation observed during inspection which constitutes an electrical hazard. Existing installations shall not be deemed to constitute electrical hazards if the wiring was originally installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.

e. Inspections of alarm system installations, rules for which are intended to be adopted as new 661—Chapter 560.

~~EXCEPTION 1:[See Objection at end of chapter] Installations in political subdivisions which perform electrical inspections and which are inspected by the political subdivision are not required to be inspected by the state electrical inspection program. Any installation which is subject to inspection and is on property owned by the state or an agency of the state shall be inspected by the state electrical inspection program. An electrical installation on a farm which is located outside the corporate limits of any municipal corporation (city) shall not be inspected by a political subdivision, shall require a state electrical permit, and may be subject to a state electrical inspection, unless the installation is subject to Exception 2 or Exception 3.~~

EXCEPTION 2: Any electrical work which is limited to routine maintenance shall not require an inspection.

EXCEPTION 3: Neither a permit nor an inspection is required for an electrical installation which meets all of the following criteria:

1. The installation is legally performed by a master electrician, journeyman electrician, or apprentice electrician working under the direct supervision of a master or journeyman electrician.

2. The installation to be performed does not in any way involve work within an existing or new switchboard or panel board.

3. The installation to be performed does not involve over-current protection of more than 30 amperes.

4. The installation to be performed does not involve any electrical line-to-ground circuit of more than 277 volts, single phase.

EXCEPTION 4: Neither a permit nor an inspection is required for any electrical installation on a farm or a farm building if the farm building is not regularly open to the public as a place of business for the retail sale of goods, wares, services, or merchandise. This exception does not apply to a residential installation located on a farm.

552.1(2) The owner of a property on which multiple electrical installations may be performed during a 12-month period may apply for an annual permit to cover all such installations. The holder of an annual permit shall maintain a log of all installations performed pursuant to the annual permit. The owner shall cause the electrical inspection program to be notified of any such installation requiring an inspection and shall be subject to fees for such inspections as though an individual permit had been issued for each installation requiring an inspection. The fee for an annual permit shall be \$100. The log shall be available to an electrical inspector on the request of the inspector.